

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
ILLINOIS**

Neuroscience Advanced Systems, Inc., a	)	
New York Corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
Eugene Lipov and Lipov Medical S.C. d/b/a	)	
Stella Center,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Defendants, Eugene Lipov and Lipov Medical S.C. d/b/a Stella Center (“Lipov”) by its attorneys, Paul M. Bach and Penelope N. Bach of Bach Law Offices, Inc., and pursuant to 28 U.S.C. §§1441 and 1446, hereby removes this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. In support of their Notice of Removal, defendants state as follows:

**PLAINTIFF’S COMPLAINT**

1. Plaintiff Neuroscience Advanced Systems Inc., a New York Corporation (“Plaintiff”) commenced this action on November 4, 2022, by filing a complaint in the Circuit Court of Cook County, cause number 2022 CH 10899. (See Complaint, attached as Exhibit A). No other process, pleadings or orders have been served upon Lipov.

2. Plaintiff alleges in his complaint filed in the Circuit Court of Cook County breach of a shareholder agreement signed in February, 2018 and causes of action (three counts) for: 1) Constructive Trust and Accounting; 2) Breach of Fiduciary Duty; and 3) Breach of Contract. The complaint alleges \$5,000,000.00 in damages in count II of the complaint.

## **BASIS FOR FEDERAL JURISDICTION**

### **Diversity of Citizenship**

3. This Court has original jurisdiction of this action under 28 U.S.C. §1332 because there is complete diversity of citizenship between the parties and the amount in controversy exclusive of interest and costs, exceeds \$75,000.00.

4. Removal is timely under 28 U.S.C. §1446(b)(1) because defendants have filed this notice within thirty days of receipt of Plaintiff's complaint. (*See* Service of Process Transmittal Summary, attached as Exhibit A).

5. Plaintiff confirms its State of residence or citizenship in the caption and paragraph 1 of Plaintiff's Complaint as New York.

6. Plaintiff alleges the State of residence or citizenship of Eugene Lipov in the caption and paragraph 2 of Plaintiff's Complaint as Illinois. Eugene Lipov through counsel agrees that his residence or citizenship is Illinois.

7. Lipov Medical S.C. is a corporation organized and existing under the laws of the State of Illinois with its principal place of business located in the State of Illinois. Pursuant to 28 U.S.C. §1332(c)(1), Lipov Medical S.C. is deemed to be a citizen of the State of Illinois.

8. Based on reasonable investigation and all presently known facts, defendants state that Plaintiff is a citizen of the State of New York, and that Plaintiff is not a citizen of the State of Illinois. Therefore, there is complete diversity of citizenship between Plaintiff on the one hand, and Eugene Lipov and Lipov Medical S.C. on the other hand.

### **Amount in Controversy**

9. Plaintiff's prayer for relief requests a judgment against defendants in count II "in an amount greater than Five Million Dollars (\$5,000,000.00),"

10. Based on the foregoing, and pursuant to 28 U.S.C. § 1446(c)(2), defendants state

that the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

**NOTICE TO PLAINTIFF AND STATE COURT**

11. Attached hereto as Exhibit B is the Notice of Filing Notice of Removal being filed contemporaneously with the Clerk of the Circuit Court of Cook County.

WHEREFORE, defendants, Eugene Lipov and Lipov Medical S.C. d/b/a Stella Center hereby removes this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois.

Respectfully Submitted,

Eugene Lipov and Lipov Medical S.C. d/b/a Stella Center

By: /s/ Paul M. Bach  
Paul M. Bach  
Penelope N. Bach  
Bach Law Offices, Inc.  
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Northbrook, Illinois 60062  
(847) 564 0808  
paul@bachoffices.com

**CERTIFICATE OF SERVICE**

I, Paul M. Bach, an attorney, hereby certify that on December 6, 2022, I caused the foregoing **Notice of Removal** to be served upon the following attorneys of records via email and this Court's electronic filing system:

Marty J. Schwartz  
Schain Banks Kenny & Schwartz  
Three First National Plaza  
Suite 2300  
Chicago, Illinois 60602  
Mschwartz@schainbanks.com

/s/ Paul M. Bach  
Paul M. Bach